

***REVISED**

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
October 7, 2003, A.M.

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meetings
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AWARDS AND PRESENTATIONS

Proclamations

Wichita's Promise-Youth Service Awards

PUBLIC AGENDA

1. Gary Williamson-Water Drainage Problems, 5549 North Athenian.
 2. Marydel Grayum-Plastic Recycling of Kansas, Inc. (follow-up).
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NEW BUSINESS

(9:30 a.m. or thereafter)

3. Public Hearing on Proposed Assessments for (31) Thirty-one Water Projects, (30) Thirty Sewer Projects and (6) Six Storm Water Projects in February 2004 Bond Sale Series 776.

The Council was notified on September 9, 2003, that the proposed assessments were on file for public inspection in the Finance Department. Notice of hearing was published September 12, 2003. Property owners have been notified in writing.

RECOMMENDED ACTION: Approve the proposed assessments
and Ordinances.

(9:30 a.m. or thereafter)

4. Public Hearing on Proposed Assessments for (38) Thirty-eight Paving Projects in February 2004 Bond Sales Series 776.

The Council was notified on September 9, 2003, that the proposed assessments were on file for public inspection in the Finance Department. Notice of hearing was published September 12, 2003. Property owners have been notified in writing.

RECOMMENDED ACTION: Approve the proposed assessments
and Ordinances.

5. Request for a Letter of Intent for Industrial Refunding Revenue Bonds-Mid-Continent Instruments. (District II)

On September 9, 1997, the City Council approved the issuance of Industrial Revenue Bonds in an amount of \$4.2 million to Mid-Continent Instruments. Bond proceeds were used to construct and equip a new aircraft instrument manufacturing headquarters facility and to purchase additional equipment located at Webb Road and 34th Street North. Mid Continent wishes to refinance its 1997 Bonds and is requesting City Council approval of a one-year Letter of Intent to issue Industrial Refunding Revenue Bonds in an amount not-to-exceed \$3,300,000.

RECOMMENDED ACTION: Approve the Letter of Intent and
authorize the necessary signatures.

6. Request for Letter of Intent for Industrial Revenue Bonds-Lee Aerospace, Inc.. (District II)

On March 16, 1999, the City Council approved the issuance of Industrial Revenue Bonds in an amount of \$3.5 million and a five-plus-five year 100% tax exemption on bond-financed property to Lee Aerospace. Proceeds from the bond issue were used to acquire property and construct a new facility including 30,000 s.f. for manufacturing space and 8,000 s.f. for office space. Lee Aerospace is now planning to expand its plant space and requests the issuance of a six-month Letter of Intent for IRBs in the amount not-to-exceed \$4.2 million.

RECOMMENDED ACTION: Approve the Letter of Intent and
authorize the necessary signatures.

7. Municipal Court Initiative.

The City Council was briefed on the recent actions to address domestic violence. Problems with the domestic violence system and actions underway by law enforcement, prosecution and the judicial system were presented. The City, working in partnership with the Domestic Violence Coalition, have developed a work plan outlining proposed actions for City Council consideration.

RECOMMENDED ACTION: Approve the Municipal Court Initiative.

(9:30 a.m. or thereafter)

8. Repair or Removal of Dangerous & Unsafe Structures.

On August 19, 2003, a report was submitted with respect to the dangerous and unsafe conditions of five (5) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on October 7, 2003. Since this time, two (2) properties have been demolished and three (3) properties remain for condemnation consideration.

<u>Property Address</u>	<u>Council District</u>
a. 2812 East Mossman	I
b. 1143 North Estelle	I
c. 717 North Beech	II

RECOMMENDED ACTION: Close the public hearing;
adopt the resolutions.

9. Harry at McLean Intersection Improvement. (District IV)

The Capital Improvement Program (CIP) includes a project to improve the intersection of Harry at McLean. On April 3, 2002, District Advisory Board IV sponsored a neighborhood hearing on the proposal. The Board expressed support of the project.

RECOMMENDED ACTION: Approve the project, place the
Ordinance on first reading and
authorize the necessary signatures.

10. Improvement of Pawnee, Washington to Hydraulic and the intersection of Pawnee and Washington. (District III)

The Capital Improvement Program includes projects to improve Pawnee, between Washington and Hydraulic, and the intersection of Pawnee and Washington. The District III Advisory Board held April 2, 2003, and September 3, 2003, neighborhood hearings on the projects. The Board voted 9-0 to recommend approval.

RECOMMENDED ACTION: Approve the projects, place the
Ordinance on first reading and
authorize the necessary signatures.

11. 13th Street Bridge over Cowskin Creek-West of 119th Street West. (District V)

The Capital Improvement Program (CIP) includes a project to replace the 13th Street Bridge over Cowskin Creek. The 13th Street approaches to the bridge will be built to a four lane arterial standard, from west of Azure Street on the west side of the bridge to Cedar Park Street east of the bridge.

RECOMMENDED ACTION: Approve the project, place the
Ordinance on first reading and
authorize the necessary signatures.

12. Authorizing Ordinance: 47th Street South Traffic Study, from Broadway to I-35. (Districts III and IV)

On August 7, 2001, the City Council approved the City/State agreement for a traffic study of the 47th Street South Corridor, between Broadway and the I-135 Interstate Freeway. Its purpose is to assist the City and the Kansas Department of Transportation with planning for future street improvements.

RECOMMENDED ACTION: Approve and place the Ordinance
on first reading and authorize the
necessary signatures.

13. Ordinance Amendment Pertaining to Licensing Qualifications and Fees for Escort Services.

On August 26, 2003, and September 23, 2003, the City Council discussed current ordinances relating to the licensing and activity of escort services conducting business within the City of Wichita. As a result of information discussed, the Council requested that consideration be given to amend the ordinance to provide additional health screening requirements for persons seeking to be licensed and do business as escorts; increase the fees charged for escort services and individual escorts to adequately offset the costs of such regulatory activity; and increase the maximum fine for violations of the ordinance.

RECOMMENDED ACTION: Place the ordinance on first reading.

14. School Resource Officers.

In 2000, the Police Department expanded the SRO program to include (14) USD 259 middle schools. The expansion to the middle schools occurred as a result of utilizing six (6) police officer positions from the Department's staffing allocation; and in April 2000, the Department was awarded a Community Oriented Policing Services (COPS) in schools federal grant for \$985,285 that funded eight (8) SRO's over a three-year period.

RECOMMENDED ACTION: Approve the addition of (10) new police officer
positions funded from appropriated reserves.

15. External Audit Services.

Federal and State law, as well as City policy, require all City programs to be audited annually by a certified public accounting firm. A separate audit of the City's pension plans is required to meet certification requirements of the Government Finance Officer's Association. In addition, the City's Federal Forfeiture Program is required to be audited each year, as is the Passenger Facility Charge Program and federally funded grant programs, all in accordance with federal regulations.

RECOMMENDED ACTION: Approve the contract and
authorize the necessary signatures.

16. Realignment of McCormick West of K-42 Highway. (District IV)

On July 1, 2003, the City Council approved the agreement with Newman University for the design of a project to relocate McCormick along the north perimeter of the campus. Newman University agreed to contribute \$50,000 for the concept design plans.

RECOMMENDED ACTION: Approve the contract; place the Ordinance on first reading and authorize the necessary signatures.

CITY COUNCIL AGENDA

*17. **(This Item was pulled from the agenda).**

18. Selection of National League of Cities Annual Business Meeting Voting and Alternate Voting Delegates.

The City of Wichita may select one Voting Delegate and one Alternate Voting Delegate to represent the City in the conduct and management of the affairs of the National League of Cities at the Annual Congress of Cities Nashville, Tennessee (Business Meeting) December 13, 2003.

RECOMMENDED ACTION: Approve the voting and alternate delegate(s).

19. CSBG Review Committee Appointments.

RECOMMENDED ACTION: Appoint Council Member nominations to CSBG Review Committee.

19a. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

20. Report of the Board of Bids and Contracts Dated October 6, 2003.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

21. Application for Licenses for Adult Entertainment Establishments/Services:

New Adult Entertainment

Sonja Barres	Class Act	209 South Washington
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New Escort Service

Kimberly D. Ortiz	KMJ Management	304 South Laura
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

22. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Elva Devora	Conquistador Mexican Restaurant*	1504 West 21st Street North
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<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
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Benjamin J. Schultz	T&E Oil Co., Inc. dba Pantry Plus #11	3935 North Broadway
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<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
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Charlie D. Nguyen	Cam Ranh Bay Restaurant*	527 East Central
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

23. Preliminary Estimates:

- a) Kellogg (US 54) and Rock Road Interchange Part 3: Pump Station (468-83638/702325/401342) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$2,198,200.00
- b) 2003 sanitary sewer reconstruction, Phase 8 (Various Locations) - east of Seneca, north of 31st Street South. (468-83683/620386/663507) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV, VI) - \$354,000.00
- c) 2003 sanitary sewer rehabilitation, Phase D (Various Locations) - north of 47th Street South, east of Meridian. (468-83684/620385/663506) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV, VI) - \$166,000.00
- d) Barton Creek from the north line of the Plat, south and east to Barton Creek Circle; Barton Creek Circle from the north line of Barton Creek south to and including the cul-de-sac to serve Willowbend North Estates Second Addition - south of 45th Street North, west of Rock. (472-83833/765816/490927) Does not affect existing traffic. (District II) - \$242,000.00
- e) Lateral 65, Main 4 Southwest Interceptor Sewer - along Socora, north of Maple. (468-83503 /743945 /480633) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$130,000.00

- f) Water distribution system to serve Wilson Farms Fourth Addition - south of 21st Street North, west of Webb. (448-89875/735145/470815) Does not affect existing traffic. (District II) - \$59,000.00
- g) Left and right turn Lanes on 13th Street, including the relocation of electrical transmission lines to serve The Waterfront Addition and adjacent tracts - north of 13th, east of Webb. (472-83699 & 448-89878/765798/490909) Does not affect existing traffic. (District II) - \$493,000.00
- h) Lateral 354 Four Mile Creek Sewer to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83677/744007/480695) Does not affect existing traffic. (District II) - \$287,000.00
- i) Lateral 355 Four Mile Creek Sewer to serve Crystal Creek Addition - north of Harry, west of Greenwich. (468-83678/744008/480696) Does not affect existing traffic. (District II) - \$66,000.00
- j) Water distribution system to serve Crystal Creek Addition - north of Harry, west of Webb. (448-89859/735146/470816) Does not affect existing traffic. (District II) - \$178,000.00
- k) Storm Water Sewer #590 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-83653/751342/485233) Does not affect existing traffic. (District V) - \$191,000.00
- l) Main 19 Southwest Interceptor Sewer, Phase 4 - north of 37th Street, 1/4 mile west of Ridge Road. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$535,000.00
- m) Main 19 Southwest Interceptor Sewer, Phase 3 - along Ridge Road from 29th Street North to 37th Street North. (468-83186/743990/480678) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$389,452.85

RECOMMENDED ACTION: Approve and file.

24. Statements of Cost:

- a) City Hall Fire Alarm Upgrade (Construction). Total Cost-\$289,865.14, (less idle fund interest-\$1,874.86),-plus temporary note financing-\$0.00,-less financing previously issued-\$225,000.00-less financing from interfund transfers-\$0.00).Financing to be issued-\$66,740.00 (792373/435343).
- b) Fire Station Relocation Phase II (Right-of-way). Total Cost-\$73,511.76, (less idle fund interest-\$288.24),-plus temporary note financing-\$0,-less financing previously issued-\$50,000.00-less financing from interfund transfers-\$0.00).Financing to be issued-\$23,800.00 (792389/435359).
- c) North Regional Library (Design/Construction). Total Cost-\$419,196.62, (less idle fund interest-\$3,213.38),-plus temporary note financing-\$0.00,-less financing previously issued-\$420,000.00-less financing from interfund transfers-\$0.00).Financing to be issued-\$2,410.00 (792374/435344).
- d) Lawrence Dumont Stadium Repairs (Construction). Total Cost-\$3,386,906.50,(less idle fund interest-\$39,107.08),-plus temporary note financing-\$35,378.42,-less financing previously issued-\$3,449,472.00-less financing previously issued-\$3,449,472.00-less financing from interfund transfers-\$0.00). Financing to be issued-\$11,920.00 (792051/358234).

RECOMMENDED ACTION: Approve and file

25. Petitions for Public Improvements:

- a) Pave Westlake Parkway in Fox Ridge Addition-north of 29th Street North, between Maize and Tyler. (District V)
- b) Construct a sanitary sewer to serve Lots 8 and 9, Mileen Acres Addition-south of 29th Street North, west of Arkansas. (District VI)
- c) Construct a sanitary sewer main to serve Evergreen Addition and an unplatted tract-south of 29th Street North, west of Maize Road. (District V)
- d) Construct a sanitary sewer and water distribution system to serve Crestview Country Club Estates Overbrook Second Addition-north of Central, east of 143rd Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

26. Minutes of Advisory Boards/Commissions:

July 10, 2003 - Wichita Employees' Retirement Board/Police & Fire Retirement Board
July 14, 2003 - Board Of Park Commissioners
July 16, 2003 - Wichita Employees' Retirement System
July 22, 2003 - Housing Advisory Board Meeting Minutes
August 4, 2003 - City Of Wichita Airport Advisory Board
August 4, 2003 - Board Of Code Standards and Appeals Minutes
August 7, 2003 - Wichita Employees' Retirement Board/Police & Fire Retirement Board
August 11, 2003 - Board Of Park Commissioners Regular Meeting
August 12, 2003 - Minutes Of Meeting Of Board Of Electrical Appeals
August 19, 2003 - Wichita Public Library

RECOMMENDED ACTION: Receive and file.

27. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

28. Agreements/Contracts:

- a) Respread assessments: Shoal Creek Second Addition-west of 143rd. Street East and south of Central. (District II)
- b) Respread assessments: Ridge Port Fifth Addition-north of 29th Street North, east of Ridge Road. (District V)
- c) Hoover from south of 31st Street South to Harry-Supplemental. (District IV)
- d) Biostimulants-Sewage Treatment Collection System.

RECOMMENDED ACTION: Approve Agreements/Contracts
and authorize the necessary
signatures.

29. Design Services Agreement:

- a) Construction engineering and staking for Shadow Woods Addition, west of 135th Street West, north of Maple - Supplemental. (District V)

RECOMMENDED ACTION: Approve Agreement/Contract and authorize the necessary signatures.

30. Change Order: 135th Street West Striping, from 21st Street to the Northwest Sewage Treatment Plan at 37th Street North.. (District V)

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

31. Repair or Removal of Dangerous and Unsafe Structures.

<u>Address</u>	<u>District</u>
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1200 North Estelle	I
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RECOMMENDED ACTION: Adopt Resolution (s) setting the Public Hearing on November 18, 2003, at 9:30 a.m. or soon thereafter.

32. Reconstruction & Rehabilitation of Sanitary Sewers.

RECOMMENDED ACTION: Approve the transfer of funds, authorize the expenditure and adopt the Resolution.

33. 2004 Fire Apparatus Replacement Program.

RECOMMENDED ACTION: Approve the bonding resolution and authorize initiation of the project.

34. Park Villa Roof Replacement. (District IV)

RECOMMENDED ACTION: Approve the budget transfer.

35. 2003 Local Law Enforcement Block Grant.

RECOMMENDED ACTION: Approve the application and budget and authorize the necessary signatures.

36. Snow and Ice Budget Adjustment.

RECOMMENDED ACTION: Approve the budget adjustment.

37. Property Acquisition:

- a) 2040-2139 South Mead - Pawnee Rail Separation Project. (District III)
- b) Portion of 5827 South Hydraulic - Hydraulic Improvement Project. (District III)
- c) Temporary Easement over a portion of 132 North West Street for First and Second Street West Drainage Outfall. (Districts IV and VI)

RECOMMENDED ACTION: Approve acquisitions and authorize the necessary signatures.

38. Second Reading Ordinances: (First read September 16, 2003)

- a) Maple Street Improvements, 135th Street West to 119th Street West. (District V)
 - 1. An Ordinance amending Ordinance No. 44-972 of the City of Wichita, Kansas, declaring Maple between 135th Street West and 119th Street West (472-83262) to be a main trafficway within the City of Wichita, Kansas; declaring that the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.
 - 2. An Ordinance amending Ordinance No. 45-506 of the City of Wichita, Kansas declaring Central Avenue, between Maize Road and Tyler Road (472-83659) to be a main trafficway within the City of Wichita, Kansas; declaring that the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.
- b) ZON2003-36 - north of Central, east of Broadway. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

RECOMMENDED ACTION: Adopt Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

- Consent Items

*39. SUB2002-40-Plat of Erin Springs Addition, Generally Located East of West Street, North of MacArthur Road.

RECOMMENDED ACTION: Approve the plat; adopt the Resolution; place Ordinance on first reading; and authorize necessary signatures.

*40. SUB2002-143-Plat of Martin Estates Addition, Located South of Central, West of 151st Street West.

RECOMMENDED ACTION: Approve the plat; adopt the Resolutions and authorize the necessary signatures.

*41. SUB2003-59-Plat of Starbuck's Addition, Located on the West Side of West Street, South of Maple. (District IV)

RECOMMENDED ACTION: Approve the plat; adopt the Resolution and authorize the necessary signatures.

*42. SUB2003-80-Plat of Sedgwick County Juvenile Detention Center Addition, Located South of Kellogg, on the East Side of Hydraulic. (District I)

RECOMMENDED ACTION: Approve the plat and first reading of the Ordinance; and authorize the necessary signatures.

*43. SUB2003-87-Plat of Emerson Elementary Addition, Located East of Meridian, on the North Side of 15th Street North. (District VI)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

*44. SUB2003-97-A Replat of Eck Seventh Addition, Located on the South Side of Central, East of 183rd Street West.

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

- *45. DED2003-20-Dedication of Street Right-of-Way for Property Located West of West Street, South of Central. (District IV)

RECOMMENDED ACTION: Accept the dedication.

- *46. Street Improvement Agreement for Lot Split No. SUB2003-95, Lot 1, Block 7, Parkwilde Addition, Located West of West Street, South of Central. (District IV)

RECOMMENDED ACTION: Approve the agreement.

- *47. VAC2002-00044-Request to Vacate a Portion of a Platted Sewer Easement Located East of Oliver Street and Between Second and Third Streets. (District II)

RECOMMENDED ACTION: Approve the vacation order and
authorize the necessary signatures.

- *48. VAC2003-00024 Request to Vacate Alley Located Northeast of the 13th Street North-Mosley Avenue Intersection. (District I)

RECOMMENDED ACTION: Approve the vacation order and
authorize the necessary signatures.

- *49. VAC2003-00030 Request to Vacate the Uses of a Portion of a Platted Reserve Located Northeast of the 45th Street North-Rock Road Intersection. (District II)

RECOMMENDED ACTION: Approve the vacation order and
authorize the necessary signatures.

- *50. VAC2003-00040 Request to Vacate Easement Dedicated by Separate Instrument Located Southwest of the West Street-Third Street Intersection. (District IV)

RECOMMENDED ACTION: Approve the vacation order and
authorize the necessary signatures.

- *51. VAC2003-00041 Request to Vacate Platted Alley Row Located Northwest of the Hillside Avenue-Pawnee Avenue Intersection. (District III)

RECOMMENDED ACTION: Approve the vacation order and
authorize the necessary signatures.

- *52. DR02-01: Twelve-Month Review of a Moratorium on the Processing of Certain Permits for Certain Properties in the Historic Midtown Neighborhood Plan Area. (District VI)

RECOMMENDED ACTION: Allow for the expiration of the Development Moratorium in its current form.

- **53. (This Item was pulled from the Agenda)**

- *54. A 03-23-Request to Anex Land Located at the Southwest Corner of the Intersection of the Kansas Turnpike and South Greenwich Road. (District II)

RECOMMENDED ACTION: Place annexation Ordinance on first reading.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

55. Agreements:

- a) U.S. Dept. of Agriculture Agreement.
- b) Supplemental Agreement No. 1-Cessna Aircraft Company-Cessna Citation Service Center Bond Lease.
- c) United Airlines-Airline Use Agreement-S.A. No. 3
- d) FAA Master Site Lease Supplement No. 4-Colonel James Jabara Airport Lease Number DTFA09-89-L-10194.

RECOMMENDED ACTION: Approve the agreements and authorize the necessary signatures.

56. Farming License-Jabara Airport.

RECOMMENDED ACTION: Approve the license.

57. Airport Security-Capital Project Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project budget
and budget adjustments.

58. Request for Amended Letter of Intent and Resolution for Issuance of Special Airport Facilities Revenue Bonds-
Flight Safety International. (District V)

RECOMMENDED ACTION: Approve the amended Letter of Intent,
adopt the Resolution and authorize
the necessary signatures.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

59. Public Hearing-Five-Year and Year 2004 Annual Agency Plans.

RECOMMENDED ACTION: Adopt the resolution and authorize the
necessary signatures.

60. Reports:

- a) Section 8 Monthly Statistical Report.
- b) Public Housing Capital Improvements.
- c) Public Housing Occupancy.

RECOMMENDED ACTION: Receive and file.

Adjournment
